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In re Application of	:	
FRED A. KISH (deceased)	:	DECISION ON
Application No.: 09/889,843	:	
PCT No.: PCT/US00/01702	:	PETITION
Int. Filing Date: 24 January 2000	:	
Priority Date: 29 January 1999	:	UNDER 37 CFR 1.42
Attorney Docket no.: 3029-72 US	:	
For: SELF REGULATING FLEXIBLE HEATER:	:	

This is a decision on applicant's "Renewed Submission Under 37 CFR 1.42", filed in the United States Patent and Trademark Office (USPTO) on 30 April 2002.

BACKGROUND

In response to the Notification of Missing Requirements mailed on 31 August 2001, and to satisfy the requirement that an oath or declaration of the inventors be furnished, applicant filed a declaration on 08 January 2002 that was signed by inventors James Surjan, Tilak R. Varma and Edward Bulgajewski and by Antoinette Chiovatero for inventor Fred A. Kish (deceased). The submission was treated as a request for status under 37 CFR 1.42.

On 15 March 2002, a decision was mailed to applicant dismissing the petition under 37 CFR 1.42 on the grounds that the declaration did not clearly state the country of citizenship, former residency and mailing address of both the deceased inventor and the legal representative, and did not clearly state the relationship of the legal representative to the deceased inventor as required for compliance with 37 CFR 1.497

On 30 April 2002, applicant submitted the instant renewed petition under 37 CFR 1.42 along with a statement "Added Page to Combined Declaration and Power of Attorney under 37 CFR 1.42", signed by Antoinette Chiovatero, executrix for deceased inventor Fred A. Kish.

DISCUSSION

The submission of 30 April 2002 consists of an added page to the declaration which identifies Antoinette Chiovatero as the executrix for deceased inventor, Fred A. Kish and provides Ms. Chiovatero's citizenship, residency and mailing address. The statement also states the country of citizenship, residency and last known mailing address of Fred A. Kish as required

for compliance with 37 CFR 1.497. However, Ms. Chiovatero's declaration does not comply with the requirements of 37 CFR 1.68 because it does not indicate that all statements are made of her own knowledge are true and all statements, made upon information and belief, are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application.

Accordingly, it is inappropriate, at this time, to accord the application status under 37 CFR 1.42.

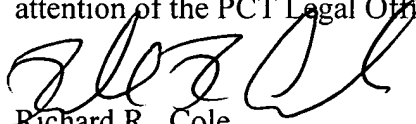
CONCLUSION

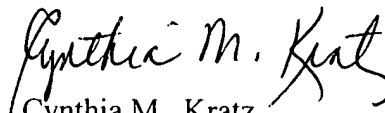
For the above reasons, the request for status under 37 CFR 1.42 is presently **DISMISSED WITHOUT PREJUDICE**.

If reconsideration of the merits of the request for status under 37 CFR 1.42 is desired, applicant is required to correct the above-noted defects including the furnishing of an oath/declaration in compliance with 37 CFR 1.42 and 1.497 within **TWO (2) MONTHS** from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should include a cover letter entitled "Renewed Request Under 37 CFR 1.42" and be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.


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